

1 HONORABLE RICHARD A. JONES

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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JONATHAN LAWRENCE DENNINGTON,

10 Plaintiff,

11 v.

12 DANIEL T. SATTERBERG, et al.,

13 Defendants.
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Case No. C18-1348-RAJ

ORDER

15 The Court has reviewed Plaintiff's Complaint (Dkt. # 4), Plaintiff's Motion for
16 Preliminary Injunction and Temporary Restraining Order (Dkt. # 5), the Report and
17 Recommendation of Brian A. Tsuchida, United States Magistrate Judge (Dkt. # 6),
18 Plaintiff's objections to the Report and Recommendation and Plaintiff's Motion for
19 Reconsideration (Dkt. # 8), and the remaining record.

20 The Court concurs fully in the recommendations of the Report and
21 Recommendation. As explained by Judge Tsuchida, a federal court "will not intervene in
22 a pending criminal proceeding absent extraordinary circumstances where the danger of
23 irreparable harm is both great and immediate." Dkt. # 6 at 2-3 (citing *Younger v. Harris*,
24 401 U.S. 37, 45-46 (1971)). Plaintiff has made no such showing. Plaintiff's objections
25 also vaguely assert that *Younger* does not apply because it involves constitutional issues
26 separate from Plaintiff's criminal proceedings. Dkt. # 8. However, Plaintiff's vague
27 objections fail to address Judge Tsuchida's well-reasoned determinations that Plaintiff's

1 criminal proceedings are (1) ongoing, (2) implicate important state interests, and (3)
2 allow Plaintiff opportunities to raise his constitutional issues. Dkt. # 6 at 3. In these
3 circumstances, *Younger* abstention applies.

4 Plaintiff has also styled his objections as a “Motion for Reconsideration,”
5 ostensibly requesting this Court “reconsider” Judge Tsuchida’s R&R. Dkt. # 8. Motions
6 for reconsideration are disfavored and will be granted only upon a “showing of manifest
7 error in the prior ruling” or “new facts or legal authority which could not have been
8 brought to [the court’s] attention earlier with reasonable diligence.” Local R. W.D.
9 Wash. 7(h)(1). Plaintiff’s Motion contains no new evidence or legal authority, and
10 ignores the basic reality: this is a request for a federal court to interfere with pending state
11 criminal proceedings based solely on vague constitutional references. Dkt. # 8. *Younger*
12 disapproves of such an intervention.

13 Accordingly, the Court adopts the Report and Recommendation (Dkt. # 6),
14 **DENIES** Plaintiff’s Motion for Preliminary Injunction and Temporary Restraining Order
15 (Dkt. # 5), **DENIES** Plaintiff’s Motion for Reconsideration (Dkt. # 8), and **DISMISSES**
16 this case without prejudice.

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18 DATED this 25th day of October, 2018.

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22 The Honorable Richard A. Jones
23 United States District Judge
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